

## REMARKS

Claims 1-38 are pending in the present application. By this amendment, claims 1, 4, 6-10, 18, 26 and 36 are amended. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

### I. Formal Matters

#### Specification

The Examiner alleges that the title of the invention is too long and provides an amended title. MPEP §606 and 37 CFR 1.72(a) both state that the title should be brief but technically accurate and descriptive and should contain fewer than 500 characters. Although the original title of the present application contained fewer than 500 characters, Applicants have amended the title as illustrated above.

### II. Prior Art Rejections

#### Claim Rejections Under 35 U.S.C. §102(b) by Gardell

Claims 1, 6, 9-15, 18, 22, 25, 30, and 34-37 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,011,896 to Gardell et al. (hereinafter "Gardell"). Applicants respectfully traverse this rejection.

As amended, claim 1 recites that a system for monitoring a call forwarded to a network-based voice mail system (VMS), comprises a central office switch (CO) connected to the VMS and customer premises equipment (CPE) associated with a called party, the CO operative to forward a call to the VMS, receive a call monitoring provisioned signal from the VMS, and in response to the call monitoring provisioned signal, to send an activate call monitoring data message and a call monitoring alert signal to the CPE associated with the called party; and the VMS operative to send the call monitoring provisioned signal to the CO.

Gardell does not teach or suggest a system for monitoring a call forwarded to a network-based voice mail system (VMS) as recited by claim 1 of the present invention. On the contrary, Gardell teaches a communication system that gives a called party the ability to monitor an incoming voice mail message including a Local Exchange Carrier

(LEC) switch operative to receive a SETUP signal generated by a first telephone device to establish a connection to a second telephone device. The LEC switch then transmits the SETUP signal to a gateway which determines whether the second telephone device is available for connection, and if it is, then transmits the SETUP signal through a Call Control Service Entity (CCSE) to a Voice Mail Intercept Service Terminal (VMIST). The VMIST then transmits a SETUP signal to the second telephone device and a Voice Mail Service Terminal. Gardell teaches that in response to the SETUP signal, the second telephone device and the Voice Mail Service Terminal transmit CALLPROCEEDING signals to the VMIST, which initially establish a call connection between the second telephone device and the VMIST and a call connection between the Voice Mail Service Terminal and the VMIST. Connect signals are then transmitted from the second telephone device and the Voice Mail Service Terminal to the VMIST and from the VMIST to the first telephone device to establish a 3-way call connection between the first telephone device, the second telephone device, and the Voice Mail Service Terminal so that the subscriber at the second telephone device can monitor the voice message being recorded. This is not analogous to the system recited by claim 1 of the present invention because Gardell fails to teach or suggest that the Voice Mail Service Terminal sends a call monitoring provisioned signal to the VMIST or the LEC switch, and in response, the VMIST or the LEC switch sends an activate call monitoring data message and a call monitoring alert signal to the second telephone device. Instead, Gardell teaches that the VMIST transmits a SETUP signal to the Voice Mail Service Terminal, and in response to the SETUP signal, the Voice Mail Service Terminal transmits a CALLPROCEEDING signal to the VMIST to initially establish a call connection between the Voice Mail Service Terminal and the VMIST, without suggesting that in response to the CALLPROCEEDING signal, the VMIST sends an activate call monitoring data message and a call monitoring alert signal to the second telephone device.

With regard to claim 1, the Examiner points to Figs. 2, 3A, 3B, and column 4, line 8 to column 5, line 26 of the specification of Gardell as support for the rejection of claim 1 of the present invention. However, those portions of Gardell teach a system used to establish a call connection between the Voice Mail Service Terminal and the first telephone device so that the calling party using the first telephone device can leave a

message for the called party, without suggesting a system to allow the called party to monitor the voice message being recorded.

For at least the reasons given above, Gardell does not anticipate Applicants' claimed invention embodied in independent claim 1. Since dependent claims 9-12 depend from independent claim 1 and recite further claim features, Applicants submit that claims 9-12 are also not anticipated by Gardell. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 13 recites that a method for monitoring a call forwarded to a network based voice mail system comprises determining whether the call can be monitored, and if the call can be monitored, then sending a call monitoring alert signal and an activate call monitoring message to customer premises equipment (CPE) associated with a called party.

Gardell does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 13 of the present invention. In contrast, Gardell teaches a method for allowing a called party to monitor an incoming voice mail message by transmitting a SETUP signal generated by a first telephone device to a Voice Mail Intercept Service Terminal (VMIST). The VMIST then transmits SETUP signals to the second telephone device and to a Voice Mail Service Terminal. Gardell teaches that in response to the SETUP signal, CALLPROCEEDING signals are transmitted by the second telephone device and the Voice Mail Service Terminal to the VMIST, which initially establish a call connection between the second telephone device and the VMIST and a call connection between the Voice Mail Service Terminal and the VMIST. Connect signals are then transmitted from the second telephone device and the Voice Mail Service Terminal to the VMIST and from the VMIST to the first telephone device to establish a 3-way call connection between the first telephone device, the second telephone device, and the Voice Mail Service Terminal so that the subscriber at the second telephone device can monitor the voice message being recorded. This is not analogous to the method recited by claim 13 of the present invention because Gardell fails to teach or suggest determining whether the call from the first telephone device can be monitored, and if the call can be monitored, then sending a call monitoring alert signal and an activate call monitoring message to the CPE associated with a called party.

Instead, Gardell teaches that after the VMIST receives the SETUP signal generated by the first telephone device, the VMIST then transmits SETUP signals to the second telephone device and the Voice Mail Service Terminal, without first determining whether the call from the first telephone device can be monitored.

For at least the reasons given above, Gardell does not anticipate Applicants' claimed invention embodied in independent claim 13. Since dependent claims 14-15 depend from independent claim 13 and recite further claim features, Applicants submit that claims 14-15 are also not anticipated by Gardell. Accordingly, Applicants respectfully request withdrawal of this rejection.

As amended, claim 18 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed; and in response to receiving the call monitoring provisioned signal from the VMS, sending a call monitoring alert signal and sending an activate call monitoring data message indicating that call monitoring is available to customer premises equipment (CPE) associated with the called party number.

Gardell does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system (VMS) as recited by claim 18 of the present invention. Instead, as discussed above, Gardell teaches a method for allowing a called party to monitor an incoming voice mail message by transmitting a SETUP signal generated by a first telephone device to a LEC switch, which then transmits the SETUP signal to a Voice Mail Intercept Service Terminal (VMIST). The VMIST then transmits SETUP signals to the second telephone device and to a Voice Mail Service Terminal, which both respond by transmitting CALLPROCEEDING signals to the VMIST to establish a call connection between the second telephone device and the VMIST and a call connection between the Voice Mail Service Terminal and the VMIST. Connect signals are then transmitted from the second telephone device and the Voice Mail Service Terminal to the VMIST and from the VMIST to the first telephone device to establish a 3-way call connection between the first telephone device, the second telephone device, and the Voice Mail Service Terminal so that the subscriber at the second telephone device can monitor the voice message being recorded. This is not analogous to the method recited by claim 18

because Gardell fails to teach or suggest sending a call monitoring provisioned signal to the VMIST or the LEC switch, and in response, sending an activate call monitoring data message and a call monitoring alert signal from the VMIST or the LEC switch to the second telephone device. Instead, Gardell teaches that the VMIST transmits a SETUP signal to the Voice Mail Service Terminal, and in response to the SETUP signal, the Voice Mail Service Terminal transmits a CALLPROCEEDING signal to the VMIST to initially establish a call connection between the Voice Mail Service Terminal and the VMIST, without suggesting sending an activate call monitoring data message and a call monitoring alert signal to the second telephone device from the VMIST in response to receiving the CALLPROCEEDING signal from the Voice Mail Service Terminal.

For at least the reasons given above, Gardell does not anticipate Applicants' claimed invention embodied in independent claim 18. Since dependent claims 22 and 25 depend from independent claim 18 and recite further claim features, Applicants submit that claims 22 and 25 are also not anticipated by Gardell. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 30 recites that a method for monitoring a call forwarded to a network based voice mail system comprises receiving a call monitoring alert from a central office switch (CO); in response to receiving the call monitoring alert signal, providing an alert to a called party; receiving an activate call monitoring data message from the CO; and in response to receiving the activate call monitoring data message, going off-hook and engaging a speaker assembly to monitor the call.

Gardell does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 30 of the present invention. On the contrary, Gardell teaches transmitting SETUP signals from the VMIST to the second telephone device and a Voice Mail Service Terminal, which both respond by transmitting CALLPROCEEDING signals to the VMIST to establish a call connection between the second telephone device and the VMIST and a call connection between the Voice Mail Service Terminal and the VMIST. Connect signals are then transmitted from the second telephone device and the Voice Mail Service Terminal to the VMIST and from the VMIST to the first telephone device to establish a 3-way call connection between the first telephone device, the second telephone device, and the Voice Mail Service Terminal so

that the subscriber at the second telephone device can monitor the voice message being recorded. Unlike the method of claim 30, Gardell fails to teach or suggest that in response to receiving a SETUP signal from the VMIST, the second telephone device provides an alert to the called party or goes off-hook and engages a speaker assembly to monitor the call. Instead, Gardell teaches that a subscriber can monitor the voice message being recorded after the 3-way connection is established, without suggesting that an alert is provided to the subscriber or that the second telephone device used by the subscriber goes off-hook and engages a speaker assembly to monitor the call.

For at least the reasons given above, Gardell does not anticipate Applicants' claimed invention embodied in independent claim 30. Since dependent claims 34-37 depend from independent claim 30 and recite further claim features, Applicants submit that claims 34-37 are also not anticipated by Gardell. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §102(b) by Rogers

Claims 13-17, 18-25, and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,946,386 to Rogers et al. (hereinafter "Rogers"). Applicants respectfully traverse this rejection.

As discussed above, claim 13 recites that a method for monitoring a call forwarded to a network based voice mail system comprises determining whether the call can be monitored, and if the call can be monitored, then sending a call monitoring alert signal and an activate call monitoring message to customer premises equipment (CPE) associated with a called party.

Rogers does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 13. In contrast, Rogers teaches a method of handling voice mail by transferring callers to system users to voice mail only because the user makes that choice directly or because of predetermined VIP rules, alerting each system user to the presence of new voice mail messages, and allowing a system user to receive all voice mail messages, electronic messages, and Fax messages by making a single telephone call. This is not analogous to the method of claim 13 because Rogers fails to teach or suggest determining whether the call forwarded to the

voice mail can be monitored, and if so, then sending a call monitoring alert signal and an activate call monitoring message to customer premises equipment associated with the system user. Instead, Rogers teaches transferring callers to the voice mail of a system user and alerting the system user of the presence of the new voice mail message.

For at least the reasons given above, Rogers does not anticipate Applicants' claimed invention embodied in independent claim 13. Since dependent claims 14-17 depend from independent claim 13 and recite further claim features, Applicants submit that claims 14-17 are also not anticipated by Rogers. Accordingly, Applicants respectfully request withdrawal of this rejection.

As amended, claim 18 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed; and in response to receiving the call monitoring provisioned signal from the VMS, sending a call monitoring alert signal and sending an activate call monitoring data message indicating that call monitoring is available to customer premises equipment (CPE) associated with the called party number.

Rogers does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system (VMS) as recited by claim 18. Instead, as discussed above, Rogers teaches a method of handling voice mail by transferring callers to system users to voice mail only because the user makes that choice directly or because of predetermined VIP rules and alerting each system user to the presence of new voice mail messages based on notification from the voice mail services that the user has received a new voice mail message, without suggesting receiving a call monitoring provisioned signal from the voice mail services that indicates that call monitoring is allowed and in response to such a signal, sending a call monitoring alert signal and an activate call monitoring data message indicating that call monitoring is available to the CPE associated with the system user.

For at least the reasons given above, Rogers does not anticipate Applicants' claimed invention embodied in independent claim 18. Since dependent claims 19-25 depend from independent claim 18 and recite further claim features, Applicants submit

that claims 19-25 are also not anticipated by Rogers. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 30 recites that a method for monitoring a call forwarded to a network based voice mail system comprises receiving a call monitoring alert from a central office switch (CO); in response to receiving the call monitoring alert signal, providing an alert to a called party; receiving an activate call monitoring data message from the CO; and in response to receiving the activate call monitoring data message, going off-hook and engaging a speaker assembly to monitor the call.

Rogers does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 30 of the present invention. In contrast, Rogers teaches a method of alerting each system user to the presence of new voice mail messages based on notification from the voice mail services that the user has received a new voice mail message by providing a highlighted "voice mail" button with associated count of new voice mail message to the user, without suggesting that in response to receiving notification from the voice mail services that the user has received a new voice mail message, going off-hook and engaging a speaker assembly to monitor the call forwarded to the voice mail services. For at least the reasons given above, Rogers does not anticipate Applicants' claimed invention embodied in independent claim 30.

Claim Rejections Under 35 U.S.C. §102(e) by Muller

Claims 26-29 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,295,341 to Muller (hereinafter "Muller"). Applicants respectfully traverse this rejection.

As amended, claim 26 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises sending a start of greeting signal from the VMS to the central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the start of greeting signal and sending an end of greeting signal upon completion of the voice message greeting from the VMS to the central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal.



Muller does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system (VMS) as recited by claim 26 of the present invention. On the contrary, Muller teaches a method for monitoring voice messages by answering a call from a caller at a Remote Answering Device, which is a device that plugs into a normal telephone jack and looks like an ordinary answering machine. The Remote Answering Device then plays a greeting to the caller, sends a hook flash signal, and speed dials the user's voice mail number to connect the user's network based voice mail with the call. Once the connection is made, the Remote Answering Device plays a beep to prompt the caller to leave a message. The message is recorded by a network based voice mail, and the Remote Answering Device plays the message as it is being recorded. This is not analogous to the method of claim 26 because Muller fails to teach or suggest sending an end of greeting signal upon completion of the voice message greeting from the network based voice mail to a central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal. Instead, Muller teaches that the Remote Answering Device, which is not equivalent to a network based voice mail, sends a hook flash signal and dials the user's voice mail number to connect the user's network based voice mail to the call to allow monitoring of the voice message. Moreover, Muller fails to teach or suggest sending a start of greeting signal from the network based voice mail to a central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the start of greeting signal. Instead, Muller teaches that a hook flash signal is sent by the Remote Answering Device, not the network based voice mail, and that the hook flash signal is sent after the greeting is played to the caller instead of at the start of the greeting.

For at least the reasons given above, Muller does not anticipate Applicants' claimed invention embodied in independent claim 26. Since dependent claims 27-29 depend from independent claim 26 and recite further claim features, Applicants submit that claims 27-29 are also not anticipated by Muller. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Gardell in view of Muller

Claims 2-5 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gardell in view of Muller. Applicants respectfully traverse this rejection.

Claims 2-5 depend from Applicants' independent claim 1, and claim 23 depends from Applicants' independent claim 18. For at least the reasons given above, Applicants respectfully submit that the teaching of Gardell does not anticipate Applicants' claimed invention embodied in independent claims 1 and 18. Since dependent claims 2-5 and 23 depend from independent claims 1 and 18, respectively, and recite further claim features, Applicants submit that claims 2-5 and 23 are also not anticipated by the combined teaching of Gardell and Muller. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Rogers in view of Manicome

Claim 33 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of United States Patent No. 5,748,718 to Manicome (hereinafter "Manicome"). Applicants respectfully traverse this rejection.

Claims 33 depends from Applicants' independent claim 30. For at least the reasons given above, Applicants respectfully submit that the teaching of Rogers does not anticipate Applicants' claimed invention embodied in independent claim 30. Since dependent claim 33 depends from independent claim 30, and recites further claim features, Applicants submit that claim 33 is also not anticipated by the combined teaching of Rogers and Manicome. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Gardell and Manicome

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gardell in view of Manicome. Applicants respectfully traverse this rejection.

Claims 8 depends from Applicants' independent claim 1. For at least the reasons given above, Applicants respectfully submit that the teaching of Gardell does not anticipate Applicants' claimed invention embodied in independent claim 1. Since dependent claim 8 depends from independent claim 1, and recites further claim features,

Applicants submit that claim 8 is also not anticipated by the combined teaching of Gardell and Manicome. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Gardell and Rogers

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gardell in view of Rogers. Applicants respectfully traverse this rejection.

Claims 7 depends from Applicants' independent claim 1. For at least the reasons given above, Applicants respectfully submit that the teaching of Gardell does not anticipate Applicants' claimed invention embodied in independent claim 1. Since dependent claim 7 depends from independent claim 1, and recites further claim features, Applicants submit that claim 7 is also not anticipated by the combined teaching of Gardell and Rogers. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Gardell and Muller

Claims 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gardell in view of Muller. Applicants respectfully traverse this rejection.

Claims 19-20 depend from Applicants' independent claim 18. For at least the reasons given above, Applicants respectfully submit that the teaching of Gardell does not anticipate Applicants' claimed invention embodied in independent claim 18. Since dependent claims 19-20 depend from independent claim 18, and recite further claim features, Applicants submit that claims 19-20 are also not anticipated by the combined teaching of Gardell and Muller. Accordingly, Applicants respectfully request withdrawal of this rejection.

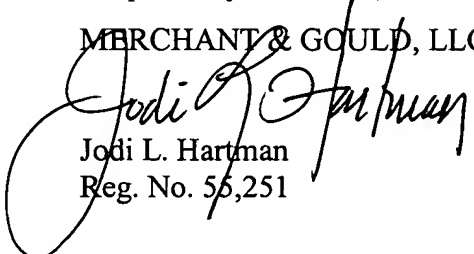
**CONCLUSION**

For at least these reasons, Applicants assert that the pending claims 1-38 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this

application with claims 1-38 to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5042.

Respectfully submitted,

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